

**REMARKS/ARGUMENTS**

Claims 1-3, 6-8 and 11 stand rejected, with claims 4, 5, 9 and 10 objected to in the outstanding Official Action. Applicant has amended claims 1 and 6, cancelled claims 2, 4, 7, 9 and 11 and added newly written claims 12 and 13. Therefore, claims 1, 3, 5, 6, 8, 10, 12 and 13 are the only claims remaining in this application.

On page 2, section 2 of the Official Action, the Examiner indicates that claims 4, 5, 9 and 10 contain allowable subject matter and would be allowable if rewritten in independent form.

The subject matter of allowable claim 4 has been incorporated into independent claim 1 along with the subject matter of claim 2 which claim 4 was dependent upon. Accordingly, amended claim 1 is in condition for allowance.

Applicant has also rewritten the subject matter of claim 5 in combination with claim 1 from which it depended as newly written independent claim 12 and therefore claim 12 is in condition for allowance.

Applicant has added the limitations of claim 9 and claim 7 (from which claim 9 depended) to independent claim 6, thereby placing claim 6 in condition for allowance.

Additionally, the subject matter of claim 10 has been combined with the original claim 6 in newly written independent claim 13 and this is now believed allowable.

Applicant has cancelled without prejudice claims 2, 4, 7 and 9, as these are now redundant since the limitations of those claims are incorporated in independent claims 1 and 6. Applicant has also cancelled without prejudice independent claim 11. In view of these amendments, claims 1, 3, 5, 6, 8, 10, 12 and 13 are all allowed claims or are dependent from allowed claims. Inasmuch as these allowed claims are the only claims remaining in this

application, there is no need to respond to the rejections of previous claims based upon the Clark reference.

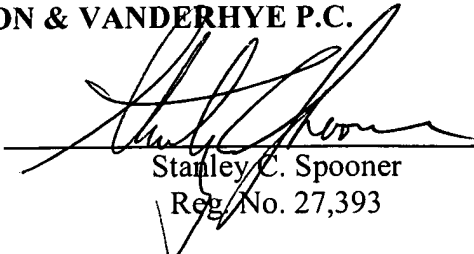
The Examiner's consideration of Applicant's Appeal Brief and withdrawal of the previous rejections in the case is very much appreciated. However, it is believed that the Appeal Brief merely restated issues raised in the Pre-Appeal Brief Request for Review and therefore Applicant is filing herewith a Request for a refund of the PTO Appeal Brief fee as unnecessary (the Pre-Appeal Brief Review Panel should have advised the Examiner to forward the current Official Action at that point in prosecution instead of forcing Applicant to restate those same positions in an Appeal Brief and pay the Appeal Brief fee). Consideration and refund of the Appeal Brief fee is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1, 3, 5, 6, 8, 10, 12 and 13 are in condition for allowance and notice to that effect is respectfully solicited. In the event the examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of these claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

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